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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Fifty-fifth session

Summary record of the first part (public)* of the 1328th meeting
Held at the Palais Wilson, Geneva, on Monday, 27 July 2015, at 10 a.m.

Chairperson: Mr. Grossman

Contents

Opening of the session

Adoption of the agenda

Organizational and other matters

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1328/Add.1.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **Ms. Edelenbos** (Representative of the Secretary-General) declared open the fifty-fifth session of the Committee against Torture. She recalled the words of the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, at the twenty-ninth session of the Human Rights Council, on the situation of migrants who, while fleeing conflict, persecution and severe violations of their human rights, often met with exploitation, discrimination and harshly enforced refusals of entry. The High Commissioner had reminded States of their human rights obligations, including full respect for the right of migrants to be treated with dignity. That message had been echoed by United Nations anti-torture actors in the context of the United Nations International Day in Support of Victims of Torture, 26 June 2015, who had stressed that it was vital for States to ensure that people fleeing torture were immediately identified in order to avoid exposing them to further trauma. The significance of non-refoulement was that it applied to all, even to people who might not qualify as refugees or asylum seekers. States must separately assess the risk of torture and refrain from deporting anyone to a place where they would be at risk of torture.

2. Like the High Commissioner for Human Rights and the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment, the Committee had expressed serious concerns at the offshore processing of asylum claims, whereby States transferred asylum seekers to processing centres in other countries in which appalling conditions of detention and allegations of ill-treatment had been reported. It must be stressed that all persons under the effective control of a State party, including those transferred to centres run by private contractors, enjoyed the same protection from torture and ill-treatment. States should protect, and not victimize, vulnerable people. In that context, the Committee would receive a briefing during the session on addressing the practical and legal challenges of non-refoulement.

3. A majority of the suggestions made by the Committee had been incorporated in the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the "Mandela Rules"), which had been adopted by the Commission on Crime Prevention and Criminal Justice in May 2015 and were to be submitted for adoption by the General Assembly at its seventieth session. The Mandela Rules introduced the basic principle of the absolute prohibition of torture and ill-treatment and clarified the standards on discipline and sanctions, prohibiting practices such as indefinite solitary confinement and reduction of diet or drinking water. They also provided for external inspections by independent bodies, which corresponded to the core work performed by national preventive mechanisms established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. She welcomed the endorsement by the twenty-seventh meeting of the Chairpersons of the human rights treaty bodies, held from 22 to 26 June 2015 in San José, Costa Rica, of the guidelines against intimidation or reprisals ("San José guidelines"). The guidelines were a key instrument which reminded States of their responsibility to prevent and protect against intimidation and reprisals and to ensure accountability and provide remedies to victims; it reinforced the treaty system and protected all parties that cooperated with it. She also welcomed the opportunity afforded by the meeting of the Chairpersons for cooperation with representatives of the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Inter-American Institute for Human Rights and national human rights institutions and civil society actors in the region. She took note with interest of

the call by the Minister for Foreign Affairs and Worship of Costa Rica to academic institutions to reflect on innovative ways to further strengthen the treaty body system.

5. In addition to its traditional activities, the Committee would have a briefing and discussion on the new OHCHR treaty bodies capacity-building programme. She wished the Committee a productive session.

6. **The Chairperson**, thanking Ms. Edelenbos for her address, confirmed that the twenty-seventh meeting of the Chairpersons of the human rights treaty bodies had been successful. In his capacity as President of the Inter-American Institute for Human Rights, he would monitor execution of the concrete proposals to strengthen cooperation between the treaty body system and the inter-American human rights system and would report to the Committee on progress made.

7. The briefing to the Committee by the World Organization Against Torture on the practical and legal challenges of non-refoulement would deal with the very sensitive topic of migrants who, having been compelled to leave their own countries, found themselves imprisoned and treated like criminals.

8. **Ms. Gaer** expressed appreciation for the opening remarks delivered on behalf of the Secretary-General and in particular the reference to the words of the High Commissioner for Human Rights on the situation of migrants. She welcomed the adoption of the "Mandela Rules" and congratulated the Chairperson on the success of the meeting of Chairpersons of the human rights treaty bodies.

Adoption of the agenda (CAT/C/55/1)

9. *The provisional agenda was adopted.*

Organizational and other matters

10. **The Chairperson** welcomed the webcast of the dialogue between the Committee and States parties, a practice that would continue to contribute to the transparency of the treaty bodies' proceedings.

The public part of the meeting rose at 10.25 a.m.